

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH GONZALEZ,

Plaintiff,

-against-

71 FIFTH GROUND LESSOR LLC, MC 71 FIFTH
AVENUE REALTY LLC, SAMCO PROPERTIES, LLC.,
CENTENNIAL ELEVATOR INDUSTRIES INC.,
LSL CONSTRUCTION SERVICES INC., CRAVEN
CORPORATION and CRAVEN MANAGEMENT
CORPORATION,

Defendants.

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LSL CONSTRUCTION SERVICES, INC.,

Third-Party Plaintiff,

-against-

OTEK BUILDERS, LLC and WEWORK
COMPANIES, INC.,

Third-Party Defendants.

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**PLAINTIFF'S RULE
26 (a)(2)(B) EXPERT
DISCLOSURE**

Docket No.: 1:18-cv-08122

Our File No.: 4342

PLEASE TAKE NOTICE, that pursuant to Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure, Plaintiff. JOSEPH GONZALEZ, by his attorneys, BLOCK O'TOOLE & MURPHY, LLP, sets forth the following expert disclosure:

1. IDENTITY OF EXPERT WITNESS:

Plaintiff, JOSEPH GONZALEZ, expects to call Daniel Wolstein, PhD, with offices located at One University Plaza, Suite 302, Hackensack, New Jersey 07601, as a Certified Vocational Rehabilitation Counselor, as an expert witness at the time of trial.

2. SUBJECT MATTER OF DR WOLSTEIN'S TESTIMONY:

It is expected Dr. Wolstein will testify in conformity with his evaluation of Plaintiff, JOSEPH GONZALEZ, regarding Plaintiff's employability and diminution in earning capacity over the course of his lifetime, as a direct result of the accident and resulting injuries herein. It is anticipated that Dr. Wolstein will testify in accordance with his Vocational Evaluation and Earning Capacity Analysis report and corresponding tables dated March 18, 2020, annexed hereto as **Exhibit "1"**.

It is further anticipated that Dr. Wolstein will give testimony according to his review of plaintiff's tax returns for the period of 2015-2018, medical records and any legal exhibits reviewed which are outlined on page 6 and 10 of his report dated March 18, 2020 (authorizations for tax returns were provided by letter to all parties dated August 9, 2019. Authorizations for medical records were previously provided in Plaintiff's Initial Disclosures Pursuant to Rule 26 (a)(1) dated February 20, 2019 and various letters provided to all parties.

3. SUBSTANCE OF THE FACTS AND OPINIONS OF DR. WOLSTEIN:

It is further anticipated that Dr. Wolstein will testify that as a result of his injuries sustained in this accident, Plaintiff, JOSEPH GONZALEZ, has experienced a loss of earnings to the present. It is further expected that he will testify that Plaintiff, JOSEPH GONZALEZ, is unable to return to his former employment based on his physical limitations and as a result will continue to experience a complete loss of earnings that comprise the rate of earnings and former wage rates plus benefits, from the date of his leave through his estimated work life.

Dr. Wolstein will be relying on his training, experience and background, an interview and vocational assessment/testing performed on November 7, 2019, as well as evidence of and industry data, statistics and materials relating to Plaintiff's area of employment. It is anticipated that Dr.

Wolstein will testify that Plaintiff's lifelong earning potential has been eliminated and/or diminished by the within accident resulting in eliminated and/or decreased employment opportunities and a lifelong diminution in earning potential. It is further anticipated that Dr. Wolstein will offer testimony about any adverse medical testimony or expert report(s) and any items that are in evidence at the time of trial.

4. DR. WOLSTEIN'S QUALIFICATIONS:

Annexed hereto as **Exhibit "2"** is the curriculum vitae of Dr. Wolstein.

Annexed hereto as **Exhibit "3"** is a list of the cases Dr. Wolstein has previously testified on as an expert at trial, or by deposition.

5. COMPENSATION FOR EXPERT REPORT AND TESTIMONY:

Dr. Wolstein's fee schedule for services is annexed hereto as **Exhibit "4"**.

PLAINTIFF RESERVES THE RIGHT TO SUPPLEMENT THIS EXPERT WITNESS EXCHANGE UP UNTIL THE TIME OF TRIAL AS SAID EXPERT WILL TESTIFY AS TO HIS EXPERTISE ON THE SUBJECT MATTER OF THIS CASE AND RESERVES THE RIGHT TO SUPPLEMENT HIS OPINION BASED ON THE PROOF, MEDICAL OR OTHERWISE, THAT MAY BE ADDUCED AT THE TIME OF TRIAL.

Dated: New York, New York
March 25, 2020


Yours etc.,

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